

An ordinance, for amending the ordinance, ascertaining what captures on water shall be lawful.

AN ORDINANCE, For amending the Ordinance, ascertaining what Captures on Water shall be lawful.

WHEREAS there hath been great variance in the decisions of several maritime courts within the United States, concerning the pretensions of vessels claiming a share of prizes, as being in fight at the time of capture; some having adjudged that the mere circumstance of being in fight was a sufficient foundation of title, while others have required proof of a more active influence: And Whereas this inconvenience hath arisen from the want of an uniform rule of determination in such cases:

Be it therefore ordained, by the United States in Congress assembled, that no share of any prize shall be adjudged to a vessel being in fight at the time of capture, unless the said vessel shall have been able at the time when the captured vessel struck, to throw a shot as far as the space between herself and the captured vessel; and that every vessel coming in aid of the captors, which shall have been able at the time when the captured vessel struck, to throw a shot as aforesaid, and shall have been duly authorised to make captures, shall be intitled to share according to the number of her men, and the weight of her metal; provided that nothing herein contained shall be construed to effect any agreement, which shall have been previously made between vessels cruizing in consort.

And be it further ordained by the authority aforesaid, that whensoever an armed vessel belonging to, and commissioned by the enemy, shall be captured by any armed vessel belonging to the United States, and duly authorized to make captures, the net proceeds of the sales of the captured vessel, and of her rigging, tackle, apparel and furniture, shall be adjudged to the captors, and where a cargo shall be on board of such captured vessel,

Library of Congress

one moiety of the net proceeds of such cargo shall be adjudged to the United States, and the other moiety to the captors.

And be it further ordained by the authority aforesaid, that upon the capture of any vessel belonging to the enemy, and laden with masts or spars, by an armed vessel belonging to the United States, and duly authorised to make captures, the net proceeds of the sales of such captured vessel and her cargo shall be adjudged to the captors.

This ordinance shall take effect, and be in force from and after the last day of February next.

Done by the UNITED STATES in CONGRESS ASSEMBLED, the eighth day of January, in the year of our Lord one thousand seven hundred and eighty-two, and in the sixth year of our independence. **JOHN HANSON**, President. Attest. **CHARLES THOMSON**, Secretary.